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2 REMARKS

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5 Status of Claims

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7 Claims 1-47 remain pending in the present application. No amendment to the claims has been
8 made in this election and traverse in response to a restriction issued by the Examiner.

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10 Traverse of Restriction

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12 The Examiner has indicated that the inventions are distinct because they are separately usable.
13 The Examiner notes the inventions are related as sub-combinations, which have been disclosed as
14 being usable together in a single combination. Such sub-combinations can be shown to be distinct if
15 they are separately usable. The Examiner states that in the instant case, sub-combination I has
16 separate utility *such as* scheduling appointments to do a job, which differs from the utility of sub-
17 combination II, of scheduling jobs.

18 Applicants respectfully assert that the Examiner failed to establish that sub-combination I and
19 sub-combination II are shown to be distinct because the Examiner has not shown, by way of example,
20 that one of the sub-combinations has utility other than in the disclosed combination as indicated by
21 MPEP § 806.05(d). Form paragraph 8.16 of MPEP § 806.05(d) requires that the Examiner provide
22 an indication of the separate utility for at least one sub-combination, following the phrase “such as.”
23 In his justification of the restriction, however, the Examiner has simply repeated what the different
24 groups of claims are each drawn to.

25 Further, applicants find it unclear how the Examiner can assert that sub-combination I is
26 separately usable. Sub-combination I is directed towards a method for scheduling *appointments* to do
27 a job. Sub-combination II is directed towards a method and system for automating scheduling of a
28 plurality of jobs. Scheduling an appointment to do a job correspond to scheduling the job, since the
29 appointment to do a job leads to the job being done. It is unreasonable to suggest that simple
30 scheduling of appointments of a job as recited in sub-combination I is usable alone since the
appointment is meaningless without the concept that appointment is intended to result in the job
being completed. Thus, sub-combination I is not separately usable.

31 Finally, MPEP 803 clearly states that “[I]f the search and examination of all the claims in an
32 application can be made without serious burden, the Examiner must examine them on the merits,
33 even though they include claims to independent or distinct inventions.” The Examiner has indicated

1 that the inventions of Groups I and II are both classified in Class 705, subclass 8. Regardless of the
2 merits of the Examiner's position that the claims of Groups I and II define distinct inventions,
3 because the classification of these two Groups is the same, it is clear that examining the claims of
4 both Groups together would *not* represent an additional or serious burden on the Examiner, since the
5 search will be done within the same subclass for each group of claims.

6 Therefore, applicants respectfully request that the Examiner withdraw the Restriction between
7 the claims of Groups I and II, so that they may be examined together in the present application.

8 Respectfully submitted,

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12 Sabrina K. MacIntyre
13 Registration No. 56,912

14 SKM/RMA:elm

15 MAILING CERTIFICATE

16 I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a
17 sealed envelope as first class mail with postage thereon fully prepaid addressed to: Commissioner for
18 Patents, Alexandria, VA 22313-1450, on March 29, 2006.
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20 Date: March 29, 2006

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